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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,248	04/08/2004	Eric G. Lovett	GUID.618PA (03-553)	8387
51294 7590 09/24/2007 HOLLINGSWORTH & FUNK, LLC 8009 34TH AVE S. SUITE 125 MINNEAPOLIS, MN 55425			EXAMINER BOCKELMAN, MARK	
			ART UNIT 3766	PAPER NUMBER
			MAIL DATE 09/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

***Response to Amendment***

The reply filed on 6-18-2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): In the office action dated 3-14-2007 the examiner REQUIRED applicant to amend the specification to identify which elements corresponded to each of his means. The examiner finds no explicit statement in the specification specifying which elements should be included in interpreting each means plus function statements in the claims. For instance, when applicant claims "means, using only subcutaneous , non-intrathoracic electrodes.... " it is unclear as to whether this is merely a function of the controller, a switching matrix, an algorithm or whether this structure includes the electrodes. The lack of an unequivocal definition in the specification providing a definition as to how each means recitation must be interpreted renders the use of the terms vague and creates an impediment to the determination of patentability for this examiner. Applicant's citation of case law, which has facts that are unrelated to the facts of this application, is of no relevance since the determination of vagueness for this application is at the discretion of the examiner. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Art Unit: 3766

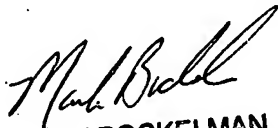
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark W. Bockelman whose telephone number is (571) 272-4941. The examiner can normally be reached on Monday - Friday 10:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272 -4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MWB

September 16, 2007

  
MARK BOCKELMAN  
PRIMARY EXAMINER